

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 HAROLD HARDEN,

5 Plaintiff,

6 v.

7 CHRISTINE MONINGOFF and RAFAEL  
8 AGUILERA,<sup>1</sup>

9 Defendants.

Case No. 2:14-cv-00377-APG-PAL

**ORDER DENYING OBJECTION**

(ECF No. 176)

11 Plaintiff Harold Harden, a prisoner, filed this lawsuit alleging that in April 2012,  
12 defendant Christine Moninghoff moved Harden to the mental health segregation unit at High  
13 Desert State Prison (“HDSP”) without prior notice and without his consent. ECF No. 17 at 4. He  
14 alleges that once there he was forced to take psychiatric drugs that resulted in an allergic reaction.  
15 *Id.* He also alleges that defendant Rafael Aguilera transported him to the mental health  
16 segregation unit against his will and without any notice or opportunity to be heard. *Id.*

17 I previously granted summary judgment in the defendants’ favor. ECF No. 167. I then  
18 denied Harden’s motion for reconsideration. ECF No. 175. Harden objects to my ruling denying  
19 reconsideration. I lack jurisdiction to consider the objection because Harden filed a notice of  
20 appeal (ECF No. 177). *See* Fed. R. App. P. 4 (allowing certain types of motions to extend the  
21 time to file an appeal until after the district court resolves the motions, but a motion to reconsider  
22 denial of a Rule 50(b) or Rule 59 motion is not among those listed); Fed. R. Civ. P. 62.1(a)(2)  
23 (allowing a district court to deny a motion that it lacks jurisdiction to consider because an appeal  
24 is pending).

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28 <sup>1</sup> Incorrectly identified in the complaint as Dr. Monninghoff and S/O Aguilar.

1 IT IS THEREFORE ORDERED that plaintiff Harold Harden's objection (ECF No. 176)  
2 is DENIED

3 DATED this 4th day of January, 2017.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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